Table Talk
Faculty Contract Negotiations
November 24th, 2014

Members present: Gina Leguria, Susan Kincade, Leslie Buckalew, Gene Womble, Tom Nomof, Sarah Curl, Iris Carroll, Jim Stevens

Absent: Mike Sundquist, Victoria Simmons, Shirley Campbell

Recollections: Kathleen Guion

Negotiations work continued on the due process article, discipline article and banked leave proposal. Highlights of the session are outlined below:

1. Recollections from the November 17th meeting was reviewed and approved with minor changes.

2. Training: A training date for interest-based bargaining was set for January 30th. It was agreed that another date would be set for training in traditional bargaining when a trainer is found.

3. Due Process Article:
   i. Team members agreed that the due process article would precede the discipline article in the contract
   ii. YFA expressed concern about the absence of any contract language regarding investigations prior to the Board’s creation of its district-wide policy. Team members agreed to insert the following statement into the due process article in the meantime to avoid any gap in policy: “Investigations will not be arbitrary or capricious, and shall be guided by the principles of due process and progressive discipline. At the start of the investigative interview the unit member will be provided a summary of the allegations. Both YFA and the District reserve the right to re-open this section pursuant to the adoption of Board Policy regarding investigative protocols.”
   iii. YFA expressed its interest that a faculty member would be made aware of any allegations against him/her at the time of the investigatory interview. It was agreed that the following language would be added to the article on due process: “At the start of the investigative interview the faculty member will be provided with a summary of the allegations.”
4. Discipline Article:

i. Team members agreed to include the following statement from education code regarding a faculty member’s right to request a hearing upon issuance of formal discipline: “Pursuant to Ed Code, the faculty member shall have 30 days from the date of service of a notice of suspension or intention to dismiss to request a hearing in the case. The Arbitrator will be jointly selected by YCCD and YFA using a mutual strike process.”

ii. Discussion ensued about a faculty member’s right to grieve a formal letter of reprimand. While YFA pointed out that the CPER pocket guide to just cause, discipline, and discharge arbitration references that final discipline is grievable, District countered by stating that discipline, by definition, refers solely to the deprivation of property rights and that written warnings do not meet such a criteria. It was agreed that this topic would be revisited as more research was needed.

iii. Team members discussed the wording for the scope of the discipline article and arrived at the following statement: “This article shall apply to full-time tenured, tenure track, and non-tenure track faculty serving in a categorically-funded position before the expiration of the categorical funds”. YFA agreed to check into the status of one year temporary faculty to see whether they should be included within the scope of the article.

5. Overload Banking and Banked Leave Discussion:

i. District shared general information about accumulated banked leave at both colleges. YFA requested to see information about accumulation of banked time as well as information about banked leaves taken. District agreed to provide this information.

ii. YFA re-stated its interest in increasing the accumulation of banked leave from 1 semester to 2 semesters. District expressed concern about piggy-backing banked leave with sabbatical leave or retirement and how an additional semester of leave would impact the faculty obligation number (FON), since full-time faculty cannot be counted towards the FON when on banked leave. Team members agreed to continue this discussion at the next meeting.

6. Part-Time Article: YFA requested to delay further discussion of this article until after team members had received negotiations training in January.

7. Date Set for Next Negotiations Meeting: December 16th (12:00 p.m. – 3:00 p.m.)